

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Wednesday, September 1, 1971 in the City Hall Council Chambers.

ROLL CALL Present: Councilmen - EHRHARDT, HUGHES,
KIRSTEN, SCHAFFER
and KATNICH (Mayor)

Absent: Councilmen - None

Also present: City Manager Glaves, City Attorney Mullen, Public Works Director Jones and Assistant Planner Avey.

PLEDGE Mayor Katnich led the Pledge of Allegiance to the flag.

MINUTES On motion of Councilman Schaffer, Ehrhardt
second, the Minutes of August 18, 1971 were
approved as written and mailed.

PUBLIC HEARINGS

APPEAL -
E. STAFFORD
DENIED

Mayor Katnich stated the public hearing on the appeal of Mrs. Edna Stafford of the Planning Commission's decision in denying her request for a change in zoning from the R-2, Single-Family Residential District to the R-MD, Residential-Medium Density District for Lot 24 (except the south 3 feet), Lakeside Park had been continued from the meeting of August 18, and he called for continuation of the hearing. City Attorney Mullen explained that since Mrs. Stafford was not actually seeking rezoning of her property, but rather some relief whereby she could convert her home to a dual occupancy, it would not be necessary to continue with the public hearing.

City Manager Graves read a policy statement that had been drafted by the Planning Department and the City Attorney which would provide for dual occupancy in R-1 and R-2 Districts. He indicated that strict enforcement of such a policy would be difficult. City Attorney Mullen pointed out that the proposed policy was designed to give relief to persons in residential districts and it was not the City's intent to adopt the policy specifically to solve Mrs. Stafford's problem. After Council discussion, Councilman Schaffer moved the appeal of Mrs. Stafford for a change in zoning for property located at 819 James Street be denied. The motion was seconded by Councilman Hughes and carried by unanimous vote.

Minutes of September 1, 1971 continued

POLICY RE
SINGLE-FAMILY
RESIDENCES
ADOPTED

On motion of Councilman Schaffer, Hughes second, the Council then adopted the following general policy regarding the installation of kitchen facilities in single-family residences:

"A second cooking stove will be permitted within the same dwelling in the R-1 and R-2 Districts when the following conditions are met:

"(a) No wall or other barrier shall be constructed which will prevent access from one portion of the premises to another.

"(b) No money or other thing of value shall be charged to any occupant for the use of the premises."

TINDELL
PREZONING
REQUEST

ORD. NO. 961
INTRODUCED

Notice thereof having been published in accordance with law, Mayor Katnich called for the public hearing on the recommendation of the Planning Commission to approve the request of Mrs. R. M. Tindell, c/o Genie Land Company, for the prezoning from the I-PA, Interim-Protective Agricultural District to Planned Development No. 6 (P-D(6)) for property bounded by the future extension of West Elm Street on the north; the Elmhaven Subdivision on the east, the Allen Manor Subdivision on the south; and Lower Sacramento Road on the west, excepting those two approximately one-acre parcels located at 40 and 60 North Lower Sacramento Road.

Mr. Avey presented a drawing of the area proposed for prezoning and gave a background of the request.

The following persons spoke in favor of the prezoning:

Mr. Victor Meyer, 41 South Sacramento Street.

Mr. Jim Gerard, 106 South Orange Avenue, representing the applicant, Mrs. Tindell, and Genie Land Company.

Speaking in opposition to the request was Mrs. Darren Kraemer, 2131 West Elm Street.

There being no other persons in the audience wishing to be heard on the matter, the public portion of the hearing was closed.

After Council consideration, Councilman Kirsten moved introduction of Ordinance No.

Minutes of September 1, 1971 continued

961 rezoning to Planned Development No. 6 the above described property. The motion was seconded by Councilman Schaffer and carried by unanimous vote.

PD#1 - LAND
USE CHANGE

ORD. NO. 962
INTRODUCED

Notice thereof having been published in accordance with law, Mayor Katnich called for the public hearing on the recommendation of the Planning Commission to approve the request of Mr. John Capell for a land use change for a portion of P-D(1), Planned Development No. 1, located at the southeast corner of West Turner Road and Lower Sacramento Road.

Mr. Avey presented a drawing of the property proposed for land use change. He explained that the development is located on the west side of Rutledge Drive adjacent to the Westlake Subdivision Unit No. 2 and the request is for a change in land use by substituting eight duplex lots on a public street for the previously-approved apartment use at 15 units per acre.

Mr. Victor Meyer, 41 South Sacramento Street, spoke in favor of the request. There being no others in the audience wishing to speak on the matter, the public portion of the hearing was closed.

On motion of Councilman Schaffer, Kirsten second, the City Council then introduced Ordinance No. 962 approving the requested land use change for Planned-Development No. 1.

COMMUNICATIONS

CVD, LCC
MEETING

Notice was read of the Central Valley Division League of California Cities dinner meeting to be held in Dos Palos on September 16, 1971.

SJ COUNTY
DRUG ABUSE
COMMITTEE

A letter was read from Mr. Jed Diamond, Coordinator of the San Joaquin County Drug Abuse Programs, requesting that a representative of the Lodi area be named to a 15-member Drug Abuse Advisory Committee. Mayor Katnich said he wished to name Councilman Ezra Ehrhardt to the committee and requested the City Clerk to notify Mr. Diamond of the appointment.

LCC
COMMITTEES

City Manager Graves discussed appointments to committees of the League of California Cities for the coming year.

Minutes of September 1, 1971 continued

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$274,030.59 were approved on motion of Councilman Hughes, Schaffer second.

SANITARY CITY DISPOSAL CO. ASSIGNMENT

City Manager Graves read a letter dated August 9, 1971 signed by Rudolph L. Vaccarezza, co-owner of the Sanitary City Disposal Company. The letter stated that Alfred Barsotti, Mr. Vaccarezza's business partner, was deceased and Mr. Mike Barsotti had been appointed Executor of his estate. The letter explained that an agreement satisfactory to both parties had been reached for purchase of the entire interest by Mr. Vaccarezza. At this time Mr. Vaccarezza was requesting Council approval of the assignment of the franchise agreement. The letter further stated that Mr. Vaccarezza agreed the purchase price payable by himself to his partner's estate would not be used as a basis for any future request for a rate increase.

Mayor Katnich stated he was not familiar with the agreement or the garbage ordinance and he requested the Council to continue the matter to a future meeting so that the Council might have sufficient time to review both documents. The Council agreed with Mayor Katnich.

Attorney Richard W. Johnson, 1149 North El Dorado Street, Stockton, representing Mr. Vaccarezza, said he would be happy to furnish the Council with whatever additional information it needed. Mr. Johnson did not object to the matter being continued to a future meeting but said he would not want the matter delayed any longer than necessary.

When asked by the Council if the Company's current financial statement was available, Mr. Johnson said the March 1970 financial statement was available but the most recent one was not complete. He hoped to have it available before the next meeting of the City Council. The discussion of the assignment of the Sanitary City Disposal franchise agreement was then continued to an adjourned meeting on September 8, 1971 on motion of Councilman Schaffer, Ehrhardt second. Attorney Robert Mertz, 121 West Pine Street, representing the Estate of Mr. Alfred Barsotti, also agreed to the continuation of the matter and offered to furnish any information he could.

Minutes of September 1, 1971 continued

CHURCH ST.
N OF TURNER
RENAMED

RES. NO. 3542

The Council considered the request of Mr. Victor Meyer, representing Mr. Peter Croucher, developer of the Lodi Rivergate, Inc., for a change in the name of Church Street extending north of Turner Road. Mr. Avey explained that the Planning Commission had denied the request on 4-4 vote. The City recommended, to avoid confusion, the street name should remain Church Street. After discussion, on motion of Councilman Schaffer, Ehrhardt second, the Council adopted Resolution No. 3542 designating the extension of Church Street north of Turner Road to be Riverview Drive.

AWARD -
MUNICIPAL
SERVICE
CENTER

RES. NO. 3543

City Manager Graves presented bids received for the Municipal Service Center as follows:

Henry Beuving & Son	\$380,500
Alternate A	36,000
Alternate B	6,100
Alternate C	1,200
Modern Engineering & Constr.	386,100
Alternate A	38,661
Alternate B	7,026
Alternate C	1,255
Roek Construction Co.	388,800
Alternate A	41,200
Alternate B	6,400
Alternate C	1,200
Art Brown Constr. Co.	410,207
Alternate A	39,598
Alternate B	3,265
Alternate C	48
Roebbelen Constr. Co.	419,850
Alternate A	37,500
Alternate B	6,950
Alternate C	1,165
P. H. Welch Company	427,770
Alternate A	39,155
Alternate B	5,174
Alternate C	1,165

The City Manager recommended the award of the bid be made to Henry Beuving and Son which would include base bid, minus Alternate B and plus Alternate C for a total amount of \$375,600. He also recommended approval of a supplemental allocation in the amount of \$25,000 to cover the total cost.

Minutes of September 1, 1971 continued

AWARD - STORM
DRAINS - MSC

The City Manager presented bids for the Municipal Service Center Storm Drains as follows:

RES. NO. 3544

William Burkhardt	\$ 8,434.88
R. C. & E. Co., Inc.	9,232.59
Parrish, Inc.	10,520.00
Teichert Construction	13,868.00

The City Manager recommended the award be made to the low bidder. On motion of Councilman Schaffer, Ehrhardt second, the City Council adopted Resolution No. 3544 awarding the contract for the Municipal Service Center Storm Drains to William Burkhardt for the total amount of the bid.

AWARD - SUBD.
PAVING - 1971

Bids for Subdivision Paving - 1971 were presented as follows:

RES. NO. 3545

Teichert Construction	\$45,588.00
Claude C. Wood Company	50,579.10
R. C. & E. Co., Inc.	50,932.80

The City Manager recommended the award be made to the low bidder. On motion of Councilman Kirsten, Schaffer second, the Council adopted Resolution No. 3545 awarding the contract for Subdivision Paving - 1971 to Teichert Construction for the amount of the bid.

AWARD - MISCL.
STORM DRAINS

Mr. Graves presented bids for Miscellaneous Storm Drains - 1971 as follows:

RES. NO. 3546

William Burkhardt	\$ 4,352.78
R. C. & E. Co., Inc.	4,759.75
Teichert Construction	7,900.00
Parrish, Inc.	8,631.50

He recommended award be made to the low bidder. On motion of Councilman Schaffer, Ehrhardt second, the Council adopted Resolution No. 3546 awarding the contract for Miscellaneous Storm Drains - 1971 to William Burkhardt for the total amount of the bid.

AWARD - L. SACTO
RD MEDIAN STRIP

Bids for the Lower Sacramento Road Median Strip - Curb and Gutter were received as follows:

RES. NO. 3547

R. C. & E. Co., Inc.	\$ 6,967.85
William Burkhardt	7,115.40
Fred Brown & Son	8,067.90
Teichert Construction	10,518.50

Minutes of September 1, 1971 continued

The City Manager recommended the award be made to the low bidder. He also recommended approval of a supplemental allocation in the amount of \$1700. On motion of Councilman Kirsten, Schaffer second, the Council adopted Resolution No. 3547 awarding the above contract to R. C. & E. Co., Inc. for the total amount of the bid. The Council then, on motion of Councilman Kirsten, Ehrhardt second, approved a supplemental allocation for the project in the amount of \$1700.

SPECS - 15 KV
CABLE

On motion of Councilman Kirsten, Schaffer second, the Council approved specifications for 15-KV aluminum cable and authorized advertising for bids thereon.

PARKING OR
LOADING ZONE
E. LODI AVE.
DENIED

City Manager Graves reported that the City staff had investigated the request of Mr. Edward Hyske, owner of property at 502 and 508 East Lodi Avenue, for a loading or limited time parking zone in front of the building at 508 East Lodi Avenue and had recommended the request be denied. After discussion by the Council, Councilman Kirsten moved the above request be denied without prejudice. The motion was seconded by Councilman Ehrhardt and carried by unanimous vote.

Councilman Schaffer said other merchants in the 300 and 400 blocks of East Lodi Avenue were interested in some limited parking and suggested the matter be explored.

AGREEMENT -
SHELL OIL CO.
RE WELL #12

The City Manager presented an agreement between Shell Oil Company and the City of Lodi for Council approval. He explained that Shell Oil Company's project of rebuilding their service station at Kettleman Lane and Hutchins Street would result in the need to relocate some of the City's equipment at Well Site No. 12 and they had agreed to pay for the relocation work and acquire the necessary property to accommodate the relocation. The City Manager recommended approval of the agreement. On motion of Councilman Kirsten, Ehrhardt second, the Council unanimously approved the above agreement with Shell Oil Company and authorized the City Manager to sign said agreement on behalf of the City.

WAGE SCALE -
BUILDING AND
CONSTRUCTION

RES. NO. 3548

Councilman Kirsten moved adoption of Resolution No. 3548 adopting prevailing wage rates per diem wages as provided by Section 1770 of the State Labor Code. The motion was seconded by Councilman Schaffer and carried by unanimous vote.

Minutes of September 1, 1971 continued

EMERGENCY
EMPLOYMENT
ACT

The City Manager reported that he had submitted an application on behalf of the City for participation in the Federal Emergency Employment Act of 1971. On motion of Councilman Kirsten, Ehrhardt second, the City Council endorsed the City Manager's action.

UFW AND
GROWERS
RALLIES

City Manager Glaves commended the Police Department for the manner in which it controlled the traffic attending the United Farm Workers' and the Grape Growers' rallies that were both held on Sunday, August 29, 1971. He also complimented the above two groups for their cooperation.

ORDINANCES

SPECIFIC PLAN -
E. LOCKEFORD ST

ORD. NO. 959
ADOPTED

ORDINANCE NO. 959, entitled, "AN ORDINANCE ADOPTING A SPECIFIC PLAN FOR EAST LOCKEFORD STREET BETWEEN NORTH WASHINGTON STREET AND NORTH CHEROKEE LANE," having been introduced at a regular meeting on August 18, 1971 was brought up for passage on motion of Councilman Kirsten, Ehrhardt second. Second reading was omitted after reading by title and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - Ehrhardt, Hughes,
Kirsten, Schaffer and
Katnich

Noes: Councilmen - None

Absent Councilmen - None

UNSAFE BLDG
ORDINANCE

ORD. NO. 960
ADOPTED

ORDINANCE NO. 960, entitled, "AN ORDINANCE ADOPTING A PROCEDURE FOR THE REPAIR, VACATION AND DEMOLITION OF UNSAFE BUILDINGS," having been introduced at a regular meeting on August 18, 1971 was brought up for passage on motion of Councilman Ehrhardt, Hughes second. Second reading was omitted after reading by title and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - Ehrhardt, Hughes,
Kirsten, Schaffer and
Katnich

Noes: Councilmen - None

Absent Councilmen - None

Minutes of September 1, 1971 continued

EHRHARDT
REQUESTS
REPORTS

Councilman Ehrhardt requested a report from The Mensch concerning use of the Maple Square Fire House and a progress report on the Ham Lane-Turner Road signal light be submitted to the Council at the next regular meeting.

WAGE
FREEZE

Councilman Schaffer asked what affect the President's wage freeze would have on salary increases that may be anticipated for the City Manager, City Attorney and City Clerk. City Manager Graves stated that increases could not be granted at this time. He explained that salary increases subsequent to August 15, 1971 could not be granted.

ADJOURNMENT

There being no further business, at approximately 10:18 p.m. the meeting was adjourned to Wednesday, September 8, 1971 on motion of Councilman Kirsten, Schaffer second.

Attest:


Bessie L. Bennett
City Clerk